

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:) CASE NO: 11-40243-659 Chapter 13
GARY McMULLIN)
) Trustee's Objection to Confirmation
JANELLA K McMULLIN)
) Original confirmation hearing
Debtor(s)) set for Mar 03, 2011 11:00 AM

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

COMES NOW John V. LaBarge, Jr., Standing Chapter 13 Trustee, and for his objection to confirmation states as follows:

1. Proposed plan payment does not constitute debtor's best effort to repay creditors. 11 U.S.C. Secs. 1325(a)(3) & (b)(1)(B)
2. The attorney fees to be paid under paragraph 4 plus the fees paid prior to filing exceed \$2000.
3. The plan pays attorney fees in excess of that owed per the 2016(b) form.
4. The plan is not proposed in good faith (11 U.S.C. Sec. 1325(a)(3)) because: PLAN REPAYS LOANS SECURED BY TWO VEHICLES AND A HARLEY FOR TWO DRIVERS. TOTAL PAYMENTS ARE \$1214.
5. The plan is ambiguous or incapable of ascertainment (11 U.S.C. Secs. 1321 & 1325(a)(3)) because:
5A REPAY PERIOD IS 0.
6. RE #1 B22C INCLUDES PAYMENT ON HARLEY NOT NEEDED FOR REORGANIZATION. PLAN MUST GUARANTEE \$14,940.

WHEREFORE the Trustee prays the Court enter its order denying confirmation of the proposed plan.

/s/ John V. LaBarge, Jr.

KLW-351

John V. LaRocco, Jr.

John V LaBarge Jr

Chapter 13 Trustee

P.O. Box 430908

P.O. BOX 430908
St. Louis, MO 63143

St. Louis, MO 63143 (314) 781-8100

rust33@ch13stl.com Fax: (314) 781-8881

HEAGLER LAW FIRM
6302 N ROSEBURY
STE 1W
CLAYTON MO 63101

GARY & JANELLA K MCMULLIN
1 FOREST LANE
O'FALLON MO 63366